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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,410	04/04/2001	Paul A. Stirpe		5022

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Thomas A. O'Rourke  
Wyatt, Gerber & O'Rourke, L.L.P.  
99 Park Avenue  
New York, NY 10016

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,410

Applicant(s)

STIRPE ET AL.

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to the application filed 4 April 2001. Claims 1-29 have been examined.

#### *Specification*

2. The abstract of the disclosure is objected to because it exceeds 25 lines of text and exceeds 250 words in length. Correction is required. See MPEP § 608.01(b).
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al (US 6,253,193B1) in view of Shear et al (US 6,112,181A).
6. Regarding claim 1, 24 and 27 –  
Ginter discloses an electronic commerce system comprising an exchange system, a recipient, knowledge expert or vendor, a communication medium, wherein said exchange system comprises one or more data stores containing knowledge components and their characteristics, a commerce engine, a delivery system, and a

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security system (Col 7 ln 35 – col 8 ln 8).

7. Regarding claims 2 – 22, 25, 28 and 29 –

Ginter discloses the system according to claim 1 where said exchange is delivered over the world wide web; live; delivers archived knowledge or data generated from a live exchange; includes one or more of page flip, interactive question and answer, telephone based audio, streaming based audio, streaming based video, discussion groups, chat, white board, remote program demonstration, polling service, group membership based applications, annotation service, follow-me browsing, voice over IP services and examination services; without requiring plug-ins, installed programs, controls such as Java Applets, Activex controls at a user's browser, and wherein the collaboration services operate through a security filtering system; wherein an institution contributes knowledge or data components in an automated business-to-business process; provided with delegated administration capabilities by said knowledge or data commerce system; wherein said exchange system includes an invitation management system; wherein a knowledge expert that authenticates to the knowledge exchange system, contributes one or more knowledge components to the knowledge commerce system and establishes characteristics for the knowledge components; wherein the commerce engine may provide pay-per-unit commerce capabilities, wherein a billing unit includes a streaming session unit, a telephone session unit, a duration of access unit, or a collaboration service or combinations thereof; wherein a knowledge commerce system provider may act as the merchant of record for a purchase of a knowledge component; wherein said institution may act as the merchant of record for a purchase of

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a component; for providing e-learning; for providing remote seminars; for providing remote consulting; providing product marketing and sales; providing collaborative web casting; providing kiosk based presentations, provided over a public or private network (col 8 ln 13 – col 10 ln 10).

8. Regarding claims 23 and 26 -

Ginter does not, however, disclose a system wherein a user at a first web site may access a component in a publicly readable area of said exchange system to access said component such that user registration and or authentication is not required by said exchange system in order for said user to receive said component (Shear, col 17 ln 20 – cl 18 ln 49). Shear, however, does, as noted above.

9. It would be obvious to one of ordinary skill in the art to combine the teachings of Ginter and Shear in order to obtain a more user-friendly method of data or knowledge distribution.

10. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**Conclusion**


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600